UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,716	06/29/2001	Venkatesh Kambhammettu	42390P11148	6479

7590 04/19/2005	EXAMINER
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP	TRUONG, LECHI

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ART UNIT	PAPER NUMBER
2194	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	**Applicant(s)**
Office Action Summary	09/895,716	KAMBHAMMETTU ET AL.
	Examiner	**Art Unit**	
	LeChi Truong	2126	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12/09/2004*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
    closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
        application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application)
    since a specific reference was included in the first sentence of the specification or in an Application Data Sheet.
    37 CFR 1.78.

    a)☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific
    reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)   4)☐ Interview Summary (PTO-413) Paper No(s). _____ .

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   5)☐ Notice of Informal Patent Application (PTO-152)

3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .   6)☐ Other: .

DETAILED ACTION

1.   Claims 1-29 are presented for examination.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

8.   Claims 1, 10, 15, 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. The following terms lack proper antecedent basis:

The future audit data – claims 1, 10, 15, 24.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2.   Claims 1 - 9 are rejected under 35 U.S.C. 101 because they are directed to non-statutory subject matter.

3.   Claim 1 is directed to method steps, which can be practiced mentally in conjunction with pen and paper, therefore they are directed to non-statutory subject matter. Specifically, as claimed, it is uncertain what performs each of the claimed method steps. Moreover, each of the claimed steps, inter alia, detecting , performing , executing transferring can be practiced mentally in conjunctions with pen and paper. The

claimed steps do not define a machine or computer implemented process (see MPEP

21061. Therefore, the claimed invention is directed to non-statutory subject matter. (The

examiner suggests applicant to change "method" to "computer implemented method" in

the preamble to overcome the outstanding 35 U.S.C. 101 rejection).

DETAILED ACTION

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims **1, 2, 3,15-17** are rejected under 35 U.S.C. 103(a) as being unpatentable

over Reiner (US. Patent 6,219,676 B1) in view of Steele et al (US. Patent 6,282,175 B1).

6.   **As to claim 1**, Reiner teaches the invention substantially as claimed including:

periodic audits (content is added, changed or deleted … update may be form of time

stamp, col 7, ln 30-65), the customer system (the server 14a, col 7, ln 30-65/ col 9, ln 5-

35), information (the data, col 9, ln 5-35), an application server (cache sever 14b/ cache

coherency includes a processor for running operating code, col 2, ln 35-62/ col 7, ln 30-

65/ col 9, ln 5-35), network (networks N1, col 5, ln 20-39, Fig. 1), determining whether

the changes (determine whether an update have occurred, col 7, ln 30-65), monitoring (

monitor area, col 2, ln 35-60).

7.   Reiner does not teach predetermined audit interval, an agent program that collects

information; create future audit data based on results of the comparison of the audit data

with the previous audit data, wherein the creating of the future audit data is to facilitate

future troubleshooting of the customer system. However, Steele teaches predetermined

audit interval (between two points in time, col 1, ln 52-55/ a first time stamp indicating

when said first snapshot, col 11, ln 5-8/ a second time stamp indicating when said second

snapshot, col 11, ln 16-17), and agent program that collects information (client collector

software, col 2, ln 51-53/ the collection software collects configuration items at preset

collection cycles, normally once a day, by pre-defining a initial collection time ... at each

collection cycle, a snapshot is constructed for each configuration item , col 2, ln 66-67 to

col 3, ln 1-7), create future audit data based on results of the comparison of the audit data

with the previous audit data(compares the new signature for the configuration item to the

previously collected signature if the two signature are determined to be different , the

differences in the output of the command, any attributes, and the time stamp are stored,

col 9, ln 41-45 and ln 50-55/ col 10, ln 28-31/ col 6, ln 9-15/col 8, ln 45-50), wherein the

creating of the future audit data is to facilitate future troubleshooting of the customer

system(. configuration information gathering to track and store configuration changes on a

historical basic for computers and interconnect devices to aid in managing and

troubleshooting networks computer systems, col 2, ln 18-22).

8.   It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine the teaching of Reiner and Steele because Steele's

predetermined audit interval, an agent program that collects information, create future

audit data based on results of the comparison of the audit data with the previous audit

data, wherein the creating of the future audit data is to facilitate future troubleshooting of

the customer system would improve the efficiency of Reiner's systems by making the

changes of configuration information between two points readily available to the system

administrator for troubleshooting and managing purposes.

9.   **As to claim 2,** Reiner teaches a predetermined set of information (the time stamp,

col 7, ln 30-65/ predetermined set of factor, col 9, ln 25-45), the customer system (web

server 14a, col 7, ln 30-65), a set of change (update has occurred/ the change log 112 has

been altered, col 7, ln 30-63), a predermined set of information recorded during a

previous audit (the time it last checked, col 7, ln 40-63), comparing (compare, col 7, ln

40-63), storing said change date on a database server (maintaining a change log at the

web sever, col 2, ln 46-60/ col 10, ln 10-67), network(networks N1, col 5, ln 20-39).

10.   **As to claim 3,** Reiner teaches operating system files, file system, registry, and

application software files (file type (graphic, web page), section or directory ... or by

some other means, col 8, ln 18-40).

11.   **As to claims 15, 16, 17,** they are apparatus of claims 1, 2, 3; therefore, they are

rejected for the same reasons as claims 1, 2, 3 above.

12.   Claims **4, 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Reiner (US. Patent 6,219,676 B1) in view of Steele et al (US. Patent 6,282,175 B1), as

applied to claim 1 above, and further in view of McDonald et al (US. Patent 6,530,065

B1).

13.   **As to claim 4**, Reiner and Steele do not teach compress. However, McDonald

teaches compress (compressing the waveform file for transmission, col 16, ln 60-67/

compressing the reduced waveform data, col 37, ln 1-5).

14.   It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine the teaching of Reiner, Steele and McDonal. Because,

McDonald's compress would improve the efficiency of Reiner, Steele's systems by

providing the efficient security transmission between the client and server.

15.   **As to claim 18**, it is an apparatus of claim 4; therefore, it is rejected for the same

reason of claim 4 above.

16.   Claims **5, 6, 7, 19-21** are rejected under 35 U.S.C. 103(a) as being unpatentable

over Reiner (US. Patent 6,219,676 B1) in view of Steele et al (US. Patent 6,282,175 B1),

as applied to claim 1 above, and in view of Jim Whitehead (Re: Snapshots) and further in

view of Blea et al (US. Patent 6,212,531 B1).

17.   **As to claim 5**, Reiner teaches the customer system (the server 14a, col 7, ln 30-

65/ col 9, ln 5-35), a first X (a time stamp, col 7, ln 40-63), a second Y (the time it last

checked, col 7, ln 40-63), comparing (compare, col 7, ln 40-63), storing said change date

on a database server (maintaining a change log at the web sever, col 2, ln 46-60/ col 10,

ln 10-67), network (networks N1, col 5, ln 20-39).

18.   Reiner and Steele do not teach X and Y as snapshot, checking out, checking in.

However, Jim Whitehead teaches X and Y as snapshot, checking out, checking in

(defining a snapshot as being just a special kind of collection that you can check out,

freely add and delete members, and then check-in, page 2, ln 15-24).

19.   It would have been obvious obvious to one of ordinary skill in the art at the time

the invention was made to combine the teaching of Reiner, Steele, and Jim Whitehead

because Jim's snapshot, check in, check out would improve the efficiency of Reiner,

Steele's systems by allowing roll back to any state quicker.

20.   Reiner, Steele and Jim Whitehead do not teach suspending periodic auditing when

taking a snapshot and resuming periodic auditing. However, Blea teaches suspending

periodic auditing when taking a snapshot and resuming periodic auditing (suspend any

further updates to source volume and perform snapshot to source volume and resume

updates to source data / Fig. 3).

21.   It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine the teaching of Reiner, Steele, Whitehead and Blea's

because Blea's "suspend and update to source" would increase the reliability of Reiner,

Steele and Jim 's systems by providing a logically consistent view of the source virtual

volume at a common point in time.

22. **As to claims 6, 7, 19-21,** they are apparatus claims of claims 3-5; therefore, they are rejected as the same reasons of claims 3-5 above.

23. Claims **8, 9, 22, 23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Reiner (US. Patent 6,219,676 B1) in view of Steele (US. Patent 6,282,175 B1), as applied to claim 1 above, and further in view of BrainTree (Policy manager).

24. **As to claim 8,** Reiner teaches the change data (content is added, changed or deleted ... update may be form of time stamp, col 7, ln 30-65).

25. Reiner and Steele do not teach a set of rule from a database server, applying the set of rule the change data to determine whether any of said set of rules has been violated and taking an action associated with a rule violated. However, BrainTree teaches a set of rule from a database server, applying the set of rule the change data to determine whether any of said set of rules has been violated and taking an action associated with a rule violated (the set of standard rules covering all aspects of database security, a rule evaluation engine, which a violation may occur, since the violation records contain ... indirect security loopholes are quickly exposed and resolved, page 2, left col, ln 1-47 to right col, ln 11-20).

26. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Reiner, Steele and BrainTree because Brain Tree's "the set of standard rules covering all aspects of database security, a rule

evaluation engine, which a violation may occur" would improve the efficiency of Reiner,

Steele's systems by allowing security administrators, database administrators, and

auditors, to define, implement and enforce security policies in client/serser RDBMS

environments.

27.   **As to claim 9**, BrainTree teaches the rule base which may be stored in any

database (page 2, left col, ln 1-47).

28.   **As to claims 22**-23,they are apparatus claims of claims 8- 9; therefore, they are

rejected for the same reasons as claim 8-9 above.

29.   Claim **10-12, 24-27** are rejected under 35 U.S.C. 103(a) as being unpatentable

over Reiner (US. Patent 6,219,676 B1) in view of Steele (US.6, 282,175 B1), as applied

to claim 1 above, and further in view of Michael L. nelson (The NASA Technical report

server).

30.   **As to claim 10**, Reiner teaches periodic audits (content is added, changed or

deleted ... update may be form of time stamp, col 7, ln 30-65), the customer system (the

server 14a, col 7, ln 30-65/ col 9, ln 5-35), information (the data, col 9, ln 5-35), an

application server (cache sever 14b/ cache coherency includes a processor for running

operating code, col 2, ln 35-62/ col 7, ln 30-65/ col 9, ln 5-35), network (networks N1,

col 5, ln 20-39, Fig. 1), determining whether the changes (determine whether an update

have occurred, col 7, ln 30-65), monitoring (monitor area, col 2, ln 35-60).

31.   Reiner does not teach predetermined audit interval, an agent program that collects
information; create future audit data based on results of the comparison of the audit data
with the previous audit data, wherein the creating of the future audit data is to facilitate
future troubleshooting of the customer system. However, Steele teaches predetermined
audit interval (between two points in time, col 1, ln 52-55/ a first time stamp indicating
when said first snapshot, col 11, ln 5-8/ a second time stamp indicating when said second
snapshot, col 11, ln 16-17), and agent program that collects information (client collector
software, col 2, ln 51-53/ the collection software collects configuration items at preset
collection cycles, normally once a day, by pre-defining a initial collection time ... at each
collection cycle, a snapshot is constructed for each configuration item , col 2, ln 66-67 to
col 3, ln 1-7), create future audit data based on results of the comparison of the audit data
with the previous audit data(compares the new signature for the configuration item to the
previously collected signature if the two signature are determined to be different , the
differences in the output of the command, any attributes, and the time stamp are stored,
col 9, ln 41-45 and ln 50-55/ col 10, ln 28-31/ col 6, ln 9-15/col 8, ln 45-50), wherein the
creating of the future audit data is to facilitate future troubleshooting of the customer
system(configuration information gathering to track and store configuration changes on a
historical basic for computers and interconnect devices to aid in managing and
troubleshooting networks computer systems, col 2, ln 18-22).

32.   It would have been obvious to one of ordinary skill in the art at the time the
invention was made to combine the teaching of Reiner and Steele because Steele's
predetermined audit interval, an agent program that collects information, create future
audit data based on results of the comparison of the audit data with the previous audit

data, wherein the creating of the future audit data is to facilitate future troubleshooting of the customer system would improve the efficiency of Reiner's system by making the changes of configuration information between two points readily available to the system administrator for troubleshooting and managing purposes.

33.   Reiner and Steele do not teach the report server to generate reports of the server. However, Nelson teaches the report server to generate reports of the server (technical report server (NTRS) to update and maintain data locally ... to various servers, sec: Services Provided/ Fig. 2).

34.   It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching Reiner, Steele and Nelson because Nelson 's the report server would increase the efficiency of Reneir and Steele's systems by providing a slow use access time, non compatibility with clients behind firewalls and non compatibility with non-WAID database.

35.   **As to claim 11,** Steele teaches an agent program that collects information (client collector software, col 2, ln 51-53/ the collection software collects configuration items at preset collection cycles, normally once a day, by pre-defining a initial collection time ... at each collection cycle, a snapshot is constructed for each configuration item, col 2, ln 66-67 to col 3, ln 1-7).

36.   **As to claim 12,** it is an apparatus claim of claims 2; therefore, they are rejected for the same reason as claim 2 above.

37.   **As to claims 24, 25, 26, 27,** they are apparatus claims of claims 10-12; therefore , they are rejected for the same reasons as claims 10-12 above.

38.   Claims **13** and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Reiner (US. Patent 6,219,676 B1) in view of Steele (US. Patent 5,923,850), as applied to

claim 1 above, in view of Michael L. nelson (The NASA Technical report server) and

further in view of McDonald et al (US. Patent 6,530,065 B1).

39.   **As to claim 13**, Reiner and Steele and Michael do not teach compress. However,

McDonald teaches compress (compressing the waveform file for transmission, col 16, ln

60-67)/ compressing the reduced waveform data, col 37, ln 1-5)

40.   It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine the teaching of Reiner, Steele, Michael and McDonald

because McDonald's compress would improve the flexibility of Reiner, Steele and

Michael's systems by allowing the efficient security transmission between the client and

server.

41.   **As to claim 28**, it is an apparatus claim of claim 13; therefore, it is rejected for the

same reason as claim 13 above.

42.   Claims **14 and 29** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Reiner (US. Patent 6,219,676 B1) in view of Steele (US. Patent 6,182,175 B1), as applied

to claim 1 above, in view of Michael L. nelson (The NASA Technical report server) in

view of Jim Whitehead (Re: Snapshots) further in view of Blea et al (US. Patent

6,212,531 B1).

43.   **As to claim 14,** Reiner teaches the customer system (the server 14a, col 7, ln 30-

65/ col 9, ln 5-35), a first X (a time stamp, col 7, ln 40-63), a second Y (the time it last

checked, col 7, ln 40-63), comparing (compare, col 7,ln 40-63), storing said change date

on a database server (maintaining a change log at the web sever, col 2, ln 46-60/ col 10,

ln 10-67), network (networks N1, col 5, ln 20-39).

44.   Reiner and Steele, Michael do not teach X and Y as snapshot, checking out,

checking in. However, Jim Whitehead teaches X and Y as snapshot, checking out,

checking in (defining a snapshot as being just a special kind of collection that you can

check out, freely add and delete members, and then check-in, page 2, ln 15-24).

45.   It would have been obvious obvious to one of ordinary skill in the art at the time

the invention was made to combine the teaching of Reiner, Steele, Michael and Jim

Whitehead because Jim's snapshot, check in, check out would improve the efficiency of

Reiner, Steele, Michael's systems by allowing roll back to any state quicker.

46.   Reiner, Steele, Michael and Jim Whitehead do not teach suspending periodic

auditing when taking a snapshot and resuming periodic auditing. However, Blea teaches

suspending periodic auditing when taking a snapshot and resuming periodic auditing

(suspend any further updates to source volume and perform snapshot to source volume

resume updates to source data / Fig. 3).

47.   It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine the teaching of Reiner, Steele, Michael, Jim Whitehead

and Blea because Blea's "suspend and update to source" would increase the efficiency of

Reiner, Steele, Michael, Jim Whitehead's systems by providing a logically consistent

view of the source virtual volume at a common point in time.

48.   As to claim 29, it is an apparatus claim of claim 14; therefore, it is rejected for the

same reason as claim 14 above.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to LeChi Truong whose telephone number is (703) 305

5312. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Meng-Ai An can be reached on 703-305-9678. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR of Public PAIP. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIP system, contact the Electronic Business

Center (EBC) at 866-217-9197(toll-free).

LeChi Truong

April 7, 2005

SUE LAO
PRIMARY EXAMINER